

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 07-

v. : 18 U.S.C. §§ 1344 & 2

JOSEPH S. KOHEN : I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information:

a. Defendant JOSEPH S. KOHEN, a resident of Deal, New Jersey, was a mortgage broker who worked on financing residential real estate deals.

b. Solomon Dwek, a resident of Deal, New Jersey, was a real estate developer based in Monmouth County and owner of many properties throughout Monmouth and Ocean Counties, including both commercial and residential real estate. Solomon Dwek had a long-standing personal association with defendant KOHEN and utilized defendant KOHEN's brokering services in connection with a number of Dwek's residential real estate deals.

c. PNC Bank, National Association ("PNC Bank"), with a branch office at Eatontown, New Jersey, was a financial institution as defined in Title 18, United States Code, Section 20, whose deposits were insured by the Federal Deposit Insurance

Corporation.

d. SEM Realty Associates, LLC ("SEM"), a New Jersey limited liability company, was owned and controlled by Solomon Dwek. Dwek maintained a bank account in the name of SEM (the "SEM Account") at PNC Bank in Eatontown, New Jersey and was the only authorized signatory on that account.

e. Corbett Holdings II, LLC, a New Jersey limited liability company, was owned and controlled by Solomon Dwek. Dwek had a bank account in the name of Corbett Holdings II, LLC (the "Corbett Account") at PNC Bank in Eatontown, New Jersey and was the only authorized signatory. The Corbett Account was in a "closed status" with no balance.

The Scheme to Defraud

2. On or about April 24, 2006, at PNC Bank's Eatontown Branch, Solomon Dwek presented a check for deposit to the SEM Account in the amount of \$25,212,076.35 ("the \$25 million check") drawn on the closed Corbett Account. When a representative of PNC Bank advised Solomon Dwek that the Corbett account that he was seeking to draw upon was closed, Dwek falsely represented, in substance and in part, that "Corporate" was re-opening the account and that a wire transfer into the Corbett Account was forthcoming.

3. On or about April 25, 2006, Solomon Dwek was allowed to have access to the funds based on his fraudulent deposit of the

\$25 million check. That same day, knowing that there were insufficient funds to cover the \$25 million check, Solomon Dwek made four wire transfers in the amounts of \$20,000,000, \$2,200,000, \$580,000, and \$10,000 into other bank accounts. As a result of the wire transfers, the Corbett Account was overdrawn in the amount of approximately \$22,790,000.

4. In furtherance of the scheme to defraud PNC Bank, defendant JOSEPH S. KOHEN and Solomon Dwek made a number of false statements. On or about April 25, 2006, for example, during a telephone call, defendant JOSEPH S. KOHEN falsely represented to an employee of PNC Bank, in substance and in part, that: (a) his name was "J.S."; (b) that he was an attorney representing Solomon Dwek; and (c) that he would be sending a wire to cover the \$25 million check.

5. From on or about April 25, 2006 to on or about May 10, 2006, in Monmouth County, the District of New Jersey and elsewhere, defendant

JOSEPH S. KOHEN

and Solomon Dwek did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud a financial institution, namely PNC Bank, and to obtain moneys, funds, credits, assets and other property owned by and under the custody and control of PNC Bank, by means of materially false and fraudulent pretenses, representations and promises.

In violation of Title 18, United States Code, Sections
1344 and 2.

CHRISTOPHER J. CHRISTIE
United States Attorney